# STATE OF ARIZONA

STATE OF ARIZONA FILED

#### DEPARTMENT OF INSURANCE

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DEPT. OF	INSURANCE
BY	INSURANCE

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	In the Matter of the Withdrawal of:	)	Docket No. 97A-026-INS	1
	TIMRA LIFE INSURANCE COMPANY (NAIC No. 90140),	)	ORDER	
	Petitioner.	) ) )		
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On March 27, 1997, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, submitted "Recommended Decision of Administrative Law Judge" ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the Recommended Decision and enters the following order:

- 1. The recommended findings of fact and conclusions of law are adopted.
- 2. The Petitioner may file its Articles of Amendment to its Articles of Incorporation ("Article of Amendment") with the Arizona Corporation Commission.
- 3. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and Petitioner's statutory deposit will be released to the Petitioner after the Department has received the following: (a) a copy of Petitioner's Articles of Amendment certified as filed by the Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit will not be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.

1	4. The sum of \$100.00 previously credited to the IERF will be refunded to the
2	Petitioner, pursuant to A.R.S. § 20-159.
3	5. The Petitioner will file its 1996 Annual Statement with the Department, together
4	with all applicable fees.
5	6. Petitioner will pay its certificate of authority fee if the Articles of Amendment are
6	not filed with the Arizona Corporation Commission on or before March 31, 1997
7	7. Petitioner will file its 1997 Annual Statement with the Department, together with
8	all applicable fees, unless Petitioner files its Articles of Amendment with the Arizona Corporation
9	Commission on or before December 31, 1997
10	NOTIFICATION OF RIGHTS
11	The aggrieved party may request a rehearing with respect to this Order by filing a written
12	petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth
13	the basis for such relief pursuant to A.A.C. R20-6-114(B).
14	The final decision of the Director may be appealed to the Superior Court of Maricopa
15	County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of
16	Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal,
17	pursuant to A.R.S. §41-1092.10.
18	DATED this 28 day of March, 1997
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21	John A. Greene
22	Director of Insurance
22	

1	A copy of the foregoing mailed this _28th day of March, 1997
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3	Charles R. Cohen, Deputy Director Mary Butterfield, Assistant Director Catherine O'Neil, Assistant Director
4	Gary Torticill, Assistant Director Kurt Regner, Examiner
5	Deloris Williamson, Assistant Director Scott Greenberg, Business Administrator
6	Department of Insurance 2910 N. 44th Street, Suite 210
7	Phoenix, AZ 85018
8	Office of Administrative Hearings 1700 W. Washington, Suite 602
9	Phoenix, AZ 85007
10	Werner J. Meyer Ryley, Carlock & Applewhite
11	101 N. First Avenue, Suite 2700 Phoenix, AZ 85003-1973
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13	Kathy Linder
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In the Matter of the Withdrawal of

(NAIC No. 90140).

TIMRA LIFE INSURANCE COMPANY

Petitioner.

### IN THE OFFICE OF ADMINISTRATIVE HEARINGS

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No. 97A-026-INS

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE

HEARING: March 27, 1997

APPEARANCES: Werner J. Meyer, Esq. on behalf of the Petitioner and Kurt Regner on behalf of the Arizona Department of Insurance

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

Based upon the entire record in this matter the following recommended Findings of Fact, Conclusions of Law and Recommended Order are made:

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1. The Petitioner has filed with the Arizona Department of Insurance (the "Department") its Certificate of Authority.
- 2. The Petitioner has filed with the Department certified copies of Resolutions of the Petitioner's Board of Directors and of the Petitioner's shareholder(s) to withdraw from the insurance business, to amend its articles of incorporation to eliminate its insuring powers, and to adopt a new corporate name which shall not include the word "insurance".
- 3. The Petitioner has no insurance obligations owing to it, whether by policies written direct or by reinsurance ceded to it.
- 4. The Petitioner has filed its certified financial statement as of December 31, 1996 with the Department.

Office of Administrative Hearings 1700 West Washington, Suite 602 Phoenix, Arizona 85007 PH (602) 542-9826; FAX 542-9827

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- 5. At least ten business days before the hearing of this matter, Petitioner gave special notice to creditors and policyholders of the Petitioner, setting forth the date, place, nature and purpose of the hearing, as evidenced by an affidavit of publication. Petitioner also provided individual notice by mail to its known creditors, as evidenced by an affidavit.
- 6. The Petitioner has a \$100,000.00 statutory deposit with the Department and a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").
- 7. The Petitioner has complied with the provisions of A.R.S. §20-588 and with A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.

### RECOMMENDED ORDER

The undersigned Administrative Law Judge recommends that:

- 1. The Petitioner may file its Articles of Amendment to its Articles of Incorporation ("Articles of Amendment") with the Arizona Corporation Commission.
- 2. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and Petitioner's statutory deposit shall be released to the Petitioner after the Department has received the following: (a) a copy of Petitioner's Articles of Amendment certified as filed by the Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.
- 3. The sum of \$100.00 previously credited to the IERF shall be refunded to the Petitioner, pursuant to A.R.S. §20-159.
- 4. The Petitioner shall file its 1996 Annual Statement with the Department, together with all applicable fees.
- 5. Petitioner shall pay its certificate of authority fee if the Articles of Amendment are not filed with the Arizona Corporation Commission on or before March 31, 1997.

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6. Petitioner shall file its 1997 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Articles of Amendment with the Arizona Corporation Commission on or before December 31, 1997.

Done this day, March 27, 1997.

Lewis D. Kowal

Administrative Law Judge

Original transmitted by mail this A day of \_\_\_\_\_\_, 1997, to:

John A. Greene, Director ATTN: Curvey Burton Department of Insurance 2910 North 44th Street, #210 Phoenix, AZ 85018-7256

By Chris Crewford Thomison